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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

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SUMMARY RECORD OF THE 1545th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 20 August 2002, at 10 a.m.

Chairman: Mr. DIACONU

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The meeting was called to order at 10.10 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Sixth to fourteenth periodic reports of Botswana (CERD/C/407/Add.1) (continued)

1. At the invitation of the Chairman, the members of the delegation of Botswana resumed their places at the Committee table.

2. Mr. NTWAAGAE (Botswana) said he had taken due note of Committee members' comments, in particular regarding the quality of the report (CERD/C/407/Add.1). He regretted the late submission of Botswana's periodic reports and was certain that the recent establishment of a permanent mission in Geneva would help to improve communication between his Government and the Committee. Botswana would endeavour to comply in future with the Committee's reporting guidelines and to address the issues raised during the dialogue with the Committee, in consultation with the relevant stakeholders. His Government promoted an open society and wished to improve on its traditional democratic principles.

3. In reply to questions about the amendment of section 2 of the Chieftainship Act, he said that, in the case of Kamanakao v. the Attorney-General, the High Court had ruled that section 2 of the Chieftainship Act was discriminatory insofar as it failed to afford some people equal treatment and equal protection in accordance with the Constitution, and should therefore be amended. It had ruled that the words "tribe" and "chief" should not retain their current definition. However, sections 77 to 79 of the Constitution had not been declared discriminatory; although it was found that the Wayeyi and other tribes did not receive equal protection of the law under those sections, such distinctions were authorized under the Constitution. In 2000, the President had appointed a commission, comprising 21 persons, to recommend wording that would render sections 77 to 79 of the Constitution tribally neutral. The report of the commission had been acted on and a policy document outlining how the Government would amend those sections had recently been adopted by Parliament. Once the relevant constitutional amendments were made, changes could be made to the Chieftainship Act in accordance with the High Court's ruling. The Government did everything in its power to follow up the decisions made by the courts, which highlighted the importance given to respect for the rule of law.

4. With regard to the Tribal Territories Act, the High Court had ruled in the case of Kamanakao v. the Attorney-General that the Act was saved from being inconsistent with the anti-discrimination provisions of section 15 by subsection 9 (a), as the Act had existed before the Constitution had entered into force.

5. On the question of Parliament and the House of Chiefs, he explained that Parliament, which consisted of the President and the National Assembly, had the constitutional power to make laws, whereas the House of Chiefs had no legislative powers but an advisory role with regard to matters of tradition and customary law, if they were the subject of a Bill before the National Assembly. Therefore, Botswana had a unicameral system.

6. In reply to a question about court hierarchies, he said that customary law, Roman-Dutch common law and statutory law co-existed in Botswana, which had a dual system of civil courts and customary courts. The Customary Court of Appeal was the highest court in the customary court system; its decisions could be appealed before the High Court and, in turn, to the Court of Appeal, which was the highest court in the civil court system. To a large extent, cases dealt with in the customary courts used the customary law of the parties involved if the cases emanated from their localities. However, as cases advanced up the appeal structure, there was a blending of the legal principles applied, bringing a certain degree of consistency and harmony to the system. It should be noted that, for the most part, customary courts administered written statutory law, differing from the civil courts only on jurisdictional levels.

7. Any reported cases of racial discrimination were prosecuted and sentences - ranging from fines to imprisonment - were meted out in accordance with the law. It was often difficult to secure convictions because of lack of evidence. Most cases involved verbal abuse by persons under the influence of alcohol; other cases stemmed from immigrants who brought with them different attitudes from their country of origin. The apparent increase in the number of cases tried involving the offence of expression of racial hatred, indicated in paragraph 38 of the report, could be explained by the fact that numbers were carried over from year to year, and also by the arrival of immigrants. There had been no cases in which victims had sought compensation.

8. Laws existed to ensure that entities such as societies and companies did not convey racial discrimination in their names or provisions. Any entity that incited racial discrimination and prejudice was liable to prosecution and deregistration. Individuals running unregistered entities were liable to prosecution.

9. Botswana had a dualist legal system, meaning that treaties to which Botswana was a party did not automatically become part of its domestic law unless they had been incorporated into its laws by an Act of Parliament. The Constitution prevailed over all other forms of law. Private citizens could invoke international conventions in court, but only as a persuasive source of authority if they had not become part of domestic law.

10. The Office of the Ombudsman had been established to provide an opportunity for aggrieved persons to seek redress and to enhance transparency and accountability in public administration.

11. Since gaining independence in 1966, Botswana had implemented various development programmes aimed at benefiting all sections of society, including minority groups. Such programmes were designed after intensive consultations with the communities concerned and non-governmental organizations (NGOs). For example, the relocation of the Basarwa from the Central Kalahari Game Reserve had taken place only after a lengthy process of consultation with that community. The Government recognized NGOs and civil society as important partners and maintained a continuous dialogue with them on a wide range of issues.

12. Botswana's population was relatively homogeneous; while approximately 96 per cent of the population spoke Setswana, the national language, there was no deliberate policy or law to prevent different ethnic groups from using other languages.

13. Botswana had received many refugees affected by conflicts in southern Africa. His Government had recently signed a tripartite agreement with the Namibian Government and the Office of the United Nations High Commissioner for Refugees (UNHCR) to arrange for the voluntary repatriation of Namibian refugees. Of the 800 Namibians who had registered for voluntary repatriation, 550 had been repatriated in August 2002 and a further 292 would be repatriated in October 2002.

14. There was no definite time frame for reviewing development policies and programmes; programmes and policies were reviewed periodically as and when the need arose.

15. Mr. AMIR observed that Botswana's geographical position as a landlocked country had long placed it at the centre of conflicts in the region, confronting it with serious problems with regard to the movement of both people and goods. Botswana had ratified the African Charter on Human and Peoples' Rights, an instrument which was unique in highlighting the importance of the notion of "peoples" and whose importance should be stressed in addressing the problems faced by African countries. The fact that African countries had gained independence had not changed the fact that numerous tribes and ethnic groups existed, whose role within the new territories and constitutions needed to be strengthened and reconsidered; it was only through the promotion of the notion of "peoples" that such groups could be protected. The problem of intra-ethnic and interethnic conflicts needed to be addressed, as did that of conflicts between ethnic groups and the central administration. It would be useful to know whether civil society and representatives of tribes and ethnic groups had played a role in the drafting of the report.

16. Mr. SICILIANOS noted that the delegation had stated that the High Court had no jurisdiction to declare unconstitutional any part of the Constitution; it was clear that no constitutional court had that power. However, the High Court had declared that the Chieftainship Act was contrary to section 3 of the Constitution, which prohibited discrimination on the grounds of, inter alia, race and place of origin, and had instructed the Government to amend that Act in such a way as to remove discrimination and to give equal protection and treatment to all tribes. The Chieftainship Act was therefore incompatible with the Constitution. He suspected that there was also an incompatibility between section 3 of the Constitution, which prohibited discrimination, and sections 77 to 79, which dealt with tribes. Moreover, the Chieftainship Act was certainly incompatible with the Convention, which precluded discrimination on the basis of ethnic origin. The delegation had stated that the Constitution must first be amended before the Chieftainship Act could be modified. Since, however, the Chieftainship Act was incompatible with the Constitution, he questioned whether sections 77 to 79 of the Constitution needed to be amended before the Act could be amended. It should be remembered that, under the rule of law, the executive was required to abide by judgements of the courts, and the High Court had instructed the Government to amend the Chieftainship Act. He therefore requested the Government of Botswana to reconsider its position.

17. Mr. de GOUTTES requested more information on the situation of the Basarwa community. He would also like to know what was the relationship between the High Court and the criminal courts responsible for dealing with the crimes mentioned in paragraphs 17 and 29 of the report, and whether, when an act of racial discrimination was committed, either could be seized. He further inquired whether the Government of Botswana had considered making the declaration under article 14 of the Convention.

18. Ms. JANUARY-BARDILL said that it was her understanding that the Basarwa community was protesting against the failure of the negotiation process. The Committee strongly recommended that the Government should renew the consultative process with that community.

19. Apparently, the 47 per cent of the population that lived below the poverty line belonged mostly to such minority groups as the Basarwa. In that regard, and in conformity with the Committee's General Recommendation XXV, the Government of Botswana should include information in its next report about social programmes it had undertaken to assist the women of those communities, in particular with respect to access to medical care and HIV/AIDS education and prevention.

20. Mr. YUTZIS said that, in his view, "relatively homogeneous" also meant "relatively heterogeneous". He would like some clarifications as to the way in which the development process was being carried out. In particular, he questioned whether the Basarwa resettlement programme was necessary or just. Apparently, the Basarwa community was being forcibly relocated to an environment completely different from that of their traditional lands. Although he understood the needs of development policy, there were unquestionably other means of resolving conflicts of interest. Furthermore, such policies should not be conducted at the expense of the society's most vulnerable populations. The next report should provide an extensive discussion of that matter.

21. Mr. THORNBERRY said he would like to know whether the 96 per cent of the population that spoke the national language spoke it as their mother tongue, and, if not, what proportion spoke it as a second language. The fact that there was no law that prohibited the use of another language was quite different from a decision to cultivate and support minority languages. In that regard, he stressed the importance of considering human rights and cultural issues within the framework of development policies and processes. Finally, he, too, hoped that the negotiations between the Government of Botswana and the Basarwa community would resume.

22. Mr. ABOUL-NASR said that the delegation had referred to the matter of tribal and ethnic identities as something that needed to be eliminated. The purpose and intention of the Convention was just the opposite: it sought to protect differences and to prohibit discrimination based on those differences. The Committee was not in any way condemning or criticizing the existence of tribal groups.

23. The CHAIRMAN, speaking as a member of the Committee, said he shared the view expressed by Mr. Aboul-Nasr. The Convention did not seek to create a uniform population; it sought to protect differences. The Committee was glad to know that Botswana was willing to reform its legislation, and the order in which it did so was not of paramount importance.

24. Mr. MALEBESWA (Botswana) said that the High Court had determined that the definitions of "tribe" and "chief" in the Chieftainship Act were incompatible with the Constitution. A public outcry had also occurred with respect to sections 77 to 79 of the Constitution. A process had been initiated with a view to finding a way to making sections 77 to 79 tribally neutral. There was agreement about the principle: the specific mechanism would be

spelled out in the amendments. Furthermore, consultations on the congruency and consistency of the various parts of the Constitution, and on how to respond to the decision of the High Court, were ongoing. If sections 77 to 79 were clarified, it might not prove necessary to provide definitions for those problem words in the Chieftainship Act.

25. Cases of racial discrimination could be heard at all levels of the court system, from the Magistrates' Courts upward, and could be appealed before the Court of Appeal. There were no special courts for trying cases of racial discrimination, and customary courts had no jurisdiction in such matters.

26. Mr. NTWAAGAE (Botswana) said that neither NGOs nor civil society had assisted in the preparation of the report, owing to capacity constraints and the difficulties of meeting the reporting requirements. However, Botswana viewed NGOs and civil society as vital partners in the development process, and would invite them to participate fully in the formulation of the next periodic report.

27. He would confer with his Government with respect to the declaration under article 14, and provide an answer to the Committee after due consideration had been given to the matter. He would also confer with the Government regarding the resumption of negotiations with the Basarwa people: Botswana was a democratic, open society, and the Government promoted an open dialogue with its citizens.

28. Botswana's development programmes were conducted across societal lines, without regard for ethnicity. The 47 per cent of the population that lived below the poverty line similarly covered a broad spectrum of society, and included both the majority and minority groups. The Government carried out numerous social programmes, including old-age pension schemes, assistance to destitute persons and assistance to such vulnerable groups as women and youth. Such programmes were conducted without regard for ethnicity, and targeted no specific ethnic group. The Government could provide statistical information on which citizens were benefiting from those programmes.

29. The Government would reflect on the question of homogeneity and heterogeneity, and would discuss it in the next report.

30. The figure of 96 per cent included persons who spoke Setswana as a first language and those who spoke it as a second language. However, Setswana was the mother tongue for 85 per cent of the population - an overwhelming majority. In the next report, Botswana would provide information on support for other languages.

31. His Government welcomed the comments of the Committee and accepted the contributions of NGOs and other members of civil society in a positive spirit. The next report would be better formulated, and would be submitted in a timely fashion.

32. Mr. PILLAI (Country Rapporteur) said that he welcomed the assurance that questions left unanswered would be addressed in the next report. The report and the delegation's replies indicated beyond a doubt that Botswana was a multicultural and multi-ethnic society. He would like future periodic reports to describe that situation in a comprehensive, positive manner. He

urged the Government to examine the structure of the educational system, and to pose the question whether it was organized in such a way as to assimilate minority groups into the majority society, or to reflect and promote the multi-ethnic nature of society. Research had shown that educational practices in some countries sometimes clashed so dramatically with the indigenous culture of minority students that they left school permanently: corporal punishment had been one example.

33. He could not advise the Government on how to respond to the order of the High Court with respect to the Chieftainship Act. When a higher court found a law incompatible with a constitution, the incompatibility could be resolved through a constitutional amendment. Or, on the other hand, the law itself could be amended. In the case at hand, the Chieftainship Act could be amended to remove any references to ethnicity. In taking that approach, the impact on minority groups must also be considered. In addition, Botswana should consider taking measures to raise awareness among public officials about the correct treatment of members of minority groups.

34. The international community was currently placing much emphasis on formulating a rights-based approach to development. In that regard, the Government of Botswana should consider ratifying the International Covenant on Economic, Social and Cultural Rights, a measure that might assist it in enhancing the country's social and economic development.

35. The delegation had stated that 800 Namibian refugees had volunteered to return to their country of origin. The figures given regarding how many had departed and how many still remained did not add up to 800. Clarifications would be welcome.

36. He commended Botswana for undertaking to include civil society in the formulation of the next periodic report, and thanked the delegation for its presentation and answers.

37. The CHAIRMAN observed that the exchange had been interesting and constructive. He thanked the Government of Botswana for resuming its dialogue with the Committee.

38. The delegation of Botswana withdrew.

The meeting was suspended at 11.35 a.m. and resumed at 11.45 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 4) (continued)

Statement to the World Summit on Sustainable Development

39. The CHAIRMAN said that Ms. January-Bardill had prepared a statement on behalf of the Committee to the forthcoming World Summit on Sustainable Development. Committee members were invited to contribute their views before the statement was finalized and adopted.

40. Mr. ABOUL-NASR suggested that the Committee should take a decision on whether it wished to be represented at the World Summit on Sustainable Development, given the strong link between human rights and sustainable development.

41. The CHAIRMAN said that the secretariat would be asked whether the Committee might be issued with an invitation to attend the World Summit.

Draft general recommendation on descent-based discrimination (CERD/C/61/Misc.29)

42. Mr. THORNBERRY, introducing document CERD/C/61/Misc.29, said that, during the thematic discussion on descent-based discrimination, the Committee had had the opportunity of hearing directly from the victims of the forms and practices of discrimination addressed in the draft general recommendation. They had come to ask for both public recognition and sympathy for their situation and the draft document now before the Committee was part of the Committee's response. It had been extensively discussed by Committee members and reflected most of the views expressed on matters of substance. Regarding the logic and structure of the document, the preamble outlined the history of the work carried out within both the human rights and the Committee's frameworks and the legal basis for action. It recalled the broad concerns of the Committee regarding descent-based discrimination. Separate space had been allocated to reaffirmation of the Committee's support for the Durban Declaration and Programme of Action, with particular reference to persons of Asian and African descent.

43. The document did not exhaustively define the notion of descent-based discrimination, but focused on particular aspects. No particular descent-based groups were named or defined, although it suggested the particular applicability of the provisions to certain groups. The document was not accusatory, but rather commended States parties for their efforts and encouraged others. It should be of assistance to Governments in identifying relevant groups within their purview. Nowhere was it claimed that all the elements in the draft would be applicable in any given country, but State parties were invited to consider the application and adoption of various recommendations in an à la carte fashion. The draft followed the style and structure of the Committee's General Recommendation XXVII on discrimination against Roma while dealing with the specific questions that had arisen in presentations to the Committee and in its own discussions. The draft general recommendation should enhance the reputation of the Committee for dealing with serious contemporary issues related to the Convention in a responsible and compassionate manner.

44. Mr. VALENCIA RODRIGUEZ commended the content of the draft general recommendation which would be valuable both in relation to implementation of the Convention and as a source of information for those studying human rights issues in academic institutions.

45. Mr. SICILIANOS said that the document, while focusing on the caste system, made it clear that it was not the only aspect of descent-based discrimination referred to in article 1, paragraph 1, of the Convention. That approach indeed reflected the substance of the thematic debate. He noted that all the written amendments proposed by members to the earlier draft text appeared to have been included. There were also specific references to articles 2 to 7 of the Convention. While constituting a major contribution to a better understanding of descent-based discrimination, the adoption of the draft recommendation would, to his knowledge, mark the first occasion on which a United Nations body had adopted a text on the subject.

46. Mr. de GOUTTES pointed out that the idea of holding thematic discussions was viewed with considerable interest by other United Nations bodies. It was therefore very important that the general recommendations that ensued should be substantive and specific. The document before the Committee fulfilled that requirement admirably.

47. Mr. THIAM said that he had experienced some difficulty in understanding the meaning of the English term "manual scavenging" in paragraph 45. If, as he believed, it referred to the manual collection of garbage, he was concerned about the implications of eliminating manual labour of that kind for countries like Guinea. Many countries already had difficulty in finding people willing to undertake such work because it was regarded as degrading and those who were forced to do it suffered discrimination. It would therefore be better for all concerned if the emphasis were to be placed on the dignity of manual work and on raising the pay of those who performed it. Paragraph 45 required further consideration before it could be adopted.

48. Mr. LINDGREN ALVES agreed with Mr. Thiam and suggested the inclusion of such words as "the degrading conditions that may involve" between "eliminate" and "manual" in paragraph 45.

49. While he supported the draft general recommendation, he was concerned that it was open to misinterpretation by the people who had come from overseas to describe their plight, as the caste system was specifically referred to only once in the entire text (seventh preambular paragraph). He therefore proposed inserting a short paragraph between the two introductory paragraphs to the operative section saying: "Strongly reaffirms its condemnation of caste systems as totally contrary to the International Convention on the Elimination of all Forms of Racial Discrimination."

50. Mr. ABOUL-NASR observed that the draft text encompassed such a wealth of complex issues that it would prove very difficult to reach agreement. Furthermore, the precise meaning of "Asian and African descent" in the text needed clarification.

51. Mr. KJAERUM said that the draft general recommendation included most of the issues touched on during the thematic discussion and in the Committee's own deliberations. Although he, too, would have preferred certain areas to have been given greater emphasis, overall, the document was well balanced.

52. Mr. RESHETOV, while expressing general satisfaction with the draft, said he was concerned at the number of different texts referred to in the preamble, which would only lead to confusion and mask the many positive elements contained in the document. Furthermore, he was against unnecessarily complicating the issue of manual work. Even though many areas now benefited from mechanization, the human hand was still a vital component.

53. Mr. PILLAI said that the draft text was broadly satisfactory, bearing in mind that the areas dealt with therein were both complicated and subject to a variety of manifestations in different situations. It would certainly assist the Committee in focusing its approach when examining the situation in individual countries. Although it had been enlightening for the Committee to hear the views of a large number of NGOs during the thematic discussion, what

was especially important was for the Committee to heed what was in the Convention, particularly with regard to the Committee's role, and to be firm with States parties that were in breach of its provisions.

54. Regarding other members' comments on paragraph 45, he said that it might be less contentious if it clearly indicated that manual scavenging referred to the practice of collecting night soil and not garbage collection. It was a demeaning practice that had certain class overtones.

55. Mr. TANG Chengyuan observed that it was important for the Committee to have such a document that dealt comprehensively with the many complexities of descent. The draft recommendation concentrated on two areas. It provided guidance on how to deal with descent in the context of the Convention, and, in the preamble, it reiterated the main aspects of the Committee's role, taking into account the particular circumstances of individual States parties.

56. Mr. SHAHI said that the document as a whole was acceptable. However, he wondered whether the various forms of discrimination that existed in African countries, in particular those related to the caste system, were adequately covered in the draft. In his view, the document should be strengthened along the lines suggested by Mr. Lindgren Alves. Mr. Pillai's definition of manual scavenging should also be included.

57. Mr. LINDGREN ALVES reiterated that the main focus of the thematic discussion had been on caste. He would not insist on the inclusion of the paragraph he had suggested earlier, but, if the Committee decided not to include it, the impact of the document would be weakened.

58. Mr. YUTZIS said that it was most important to maintain a balance between the various parts of the draft general recommendation, given the complexity and multifaceted nature of the topic. Accordingly, it might be more expedient to consider it section by section.

59. Ms. JANUARY-BARDILL said that, instead of plunging straight into the discussion on the concept of descent, the Committee should have taken time to debate the matter internally and formulate a common position beforehand.

60. Mr. PILLAI said that the World Conference against Racism had been a political event, whereas the Committee was a body of independent experts whose discussions were not required to be, nor should be seen as, a response to the outcomes of that Conference. The Committee should debate the issue of descent-based discrimination on its own terms. Moreover, the thematic debate had been about descent generally, not just about caste.

61. The CHAIRMAN urged members to focus on the draft general recommendation in hand rather than on the Durban Conference.

62. Mr. LINDGREN ALVES said that it was incumbent on the Committee to bring something fresh to the international debate on issues that lay within its competence, and not merely confine itself to examining State party reports. Given that the issue of caste had not been dealt with satisfactorily in Durban, the Committee had a duty to say something important and

relevant on the matter. For him, caste was central to the question of descent-based discrimination and to water down any reference to it would nullify the value of the entire document.

63. Mr. ABOUL-NASR said that he no longer wished to participate in the debate and would dissociate himself from the draft general recommendation. The whole initiative had been ill-conceived because the necessary preliminary consultations had not been undertaken, nor had adequate preparations been made. The fact that very few States parties and only a limited number of invited NGOs had participated in the debate had undermined its claims to be truly representative.

64. The CHAIRMAN invited the Committee to make drafting proposals on the preambular section of the draft general recommendation.

65. Mr. HERNDL proposed the inclusion of the word "some" before "governments and members of other United Nations bodies" in the ninth preambular paragraph.

66. Ms. JANUARY-BARDILL proposed replacing the expression "a wide variety of States parties" with "a number of States parties" in the eighth preambular paragraph.

67. Mr. AMIR, referring to the fourth preambular paragraph, said that the wording "persons of Asian and African descent" was too restrictive and should perhaps be replaced by a more general formulation.

68. Mr. THIAM said that the description in the fourth preambular paragraph should be broadened to include persons of indigenous descent, for example the Australian Aboriginals or the American Indians.

69. Mr. THORNBERRY said that the formulation "of Asian and African descent" had been inserted at the request of the working group because of the ongoing work on that issue at the United Nations and because the matter had been highlighted at the World Conference against Racism. However, he had no objection in principle to the proposal by Mr. Thiam.

70. Mr. HERNDL said that, in the amendments proposed by Mr. Amir and Mr. Thiam, the concept of descent seemed to have parted company with the concept of race. At the Durban Conference, however, the question of Asian and African descent had been identified clearly with racial discrimination. Accordingly, the paragraph should perhaps be deleted altogether.

71. Mr. BOSSUYT agreed that the paragraph should either be dispensed with entirely, or should be reformulated to read: "persons of Asian and African descent and indigenous or other forms of descent". In the tenth preambular paragraph, the phrase "a great number of" should be inserted before "concerned non-governmental organizations".

72. The CHAIRMAN invited the Committee to make drafting proposals on the introductory paragraphs to the operative section of the draft general recommendation. The additional paragraph proposed earlier by Mr. Lindgren Alves should be inserted between the two introductory paragraphs in the draft.

73. Mr. HERNDL said that the first introductory paragraph reminding States parties to attach the highest importance to the Committee's ongoing work in combating all forms of descent-based discrimination should perhaps be merged with the preambular section. Alternatively, it might be deleted altogether because it merely restated a self-evident truth.

74. Mr. THORNBERRY said that he did not object to the paragraph's being moved to the preambular section, but it was nevertheless important to signal to States parties that the general recommendation in question was not the last word on the subject. The paragraph had been drafted in such a way as to leave room for change and development.

75. Mr. PILLAI, supported by Mr. AMIR, said that the paragraph should be deleted.

76. Mr. THIAM proposed deleting the reference in the paragraph to discrimination on the basis of African and Asian descent. The shortened version would thus read: "The Committee reminds State parties to the Convention that it continues to attach the highest importance to its ongoing work in combating all forms of descent-based discrimination."

77. Mr. BOSSUYT agreed that the paragraph should be moved to the preambular section, but reformulated as "*Attaching* the highest importance to its ongoing work ...".

78. Mr. LINDGREN ALVES proposed an amendment to the additional paragraph he had proposed earlier, which would now read: "The Committee states its understanding that caste systems are totally contrary to the International Convention on the Elimination of all Forms of Racial Discrimination."

79. Mr. THIAM said that he could not agree with Mr. Lindgren Alves's proposal since it did not adequately reflect the reality of the African caste system.

80. The CHAIRMAN suggested an alternative wording, namely: "The Committee strongly condemns descent-based discrimination, especially discrimination on the basis of caste and analogous systems of inherited status, which is fully in contradiction with the International Convention on the Elimination of all Forms of Racial Discrimination."

81. Mr. PILLAI said that instead of "especially" he preferred the expression "such as", which emphasized that caste was just one instance of descent-based discrimination.

82. Mr. THORNBERRY said that he accepted the Chairman's suggestion, but the end of the sentence should be redrafted to read: "as a violation of the International Convention ...".

83. The preambular section and the introductory paragraphs of the operative section of the draft general recommendation, as orally amended, were adopted.

The meeting rose at 1.05 p.m.